

2002P14188US01; 60427-615

wherein the first and second shells are joined together such that the first, second, and third portions together completely form the air path.

Nakayama discloses an air cleaner 10 for an engine 90. The air cleaner 10 is connected to a surge tank 80 through a throttle bore 51, and the surge tank 80 is connected to a plurality of air-intake pipes 85, which extend to air-intake ports 86. The air cleaner 10 includes a case 30 and an air cleaner cap 21. A filter element 16 is disposed within the case 30 between a dusty side case portion 11 and the air cleaner cap 21. An air inlet 12 is formed on the wall of the dusty side case portion 11. A duct 20 extends into the air cleaner cap 21 and is connected to an open end of the throttle bore 51.

Air flows through the air inlet 12 into the dusty side case portion 11, through the filter element 16, and then goes into duct 20. Air goes through the duct 20 into the throttle body 50 and then into the surge tank 80. Next, the air is distributed to each of the intake pipes 85, which lead to the intake ports 86. Thus, the air path that extends from the filter element 16 to the engine cylinder head is defined by case 30, air cleaner cap 21, duct 20, throttle body 50, surge tank 80 and intake pipes 85.

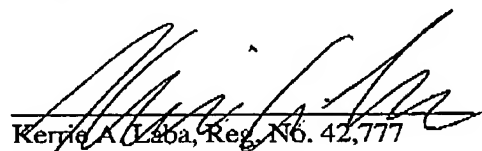
As explained above, claim 1 requires the first, second, and third portions together completely form the air path. The examiner argues that Nakayama discloses an air intake where air flows through a filter 16, through a throttle body 50, into first 80 and second 85 shells, and then into an engine cylinder head. However, the examiner's first shell 80, second shell 85, and added throttle hose portion alone do not completely form the air path as defined in claim 1. To complete the air path from the filter to the engine head, the case 30, air cleaner cap 21, and duct

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20 are required. Thus, Nakayama does not disclose, suggest, or teach all of the features set forth in claim 1.

Applicant respectfully asserts that all claims are now in condition for allowance. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

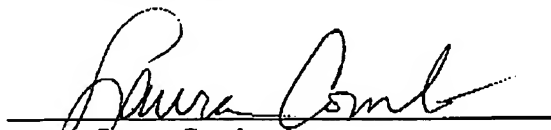
Respectfully submitted,


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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9306, on February 4, 2005.


Laura Combs